



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,647	02/19/2002	Jeffrey L. Sears	P05466US0 and 096-01-0411	6710
27139	7590	10/12/2005	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C. ATTN: MAYTAG 801 GRAND AVENUE, SUITE 3200 DES MOINES, IA 50309-2721			STINSON, FRANKIE L	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/078,647

Applicant(s)

SEARS ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1746

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Beldham or Japan 8-229292 in view of Blanchet, Thompson et al. or Kenney et al.

Re claim 9, Beldham and Japan'292 disclose a washing machine/method comprising a tub for holding laundry (typical), a detergent reservoir (S1-S4 in Beldham; 13 in Japan'292), a control panel to control the operation on the machine, a monetary payment means (not shown) to sense payment, operatively connected to the control panel, and a pump means to automatically pump detergent from the reservoir to the tub, that differs from the claim only in the recitation of the selection of a quantity of detergent corresponding to the monetary payment. The patents to Blanchet, Thompson and Kenney are each disclosing in a coin-operated dispensing system, that it is old and well known to provide an arrangement of dispensing a selected product quantity/volume corresponding to the payment or money deposited (see Blanchet, col. 1, lines 42-47, lines 64-69 and Thompson col. 3, lines 50-57 and Kenney, col. 11, lines 23-31). It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Beldham or Japan'292 to have the quantity/volume of selected

Art Unit: 1746

detergent pumped to the washing machine, correspond to the payment as taught by either Blanchet, Thompson or Kenney, for the purpose of ensuring that the consumer/user gets the proper amount of detergent for the proper payment and for the amount of the load being treated. Also note that Thompson discloses the dispensing of "soap" solutions (col.8, lines 7-14). Claim 12 defines over the applied prior art only in the recitation of the payment being made with a debit card. Although consider to be a substitution of equivalents (as per MPEP 2144.06), Kenney also discloses in a coin actuated dispenser system, that it old and well known to employ either coins or debiting cards for payment (see abstract). It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Beldham or Japan'292, to have the payment made via a card as taught by Kenney, since this is consider to be the substitution of equivalents. Re claim 14, Beldham and Japan'292 disclose the selected quantity being less than the volume of the reservoir. Re claims 10 and 11, since Beldham and Japan'292 each employ a coin-activated washing machine, the coin/currency sensor is deemed to be inherent. This is also applicable to the coin-operated switch as claimed in claim 13. Re claim 15, Beldham and Japan'292 disclose the additive pump and the transfer of additive corresponding to the monetary payment as proposedly modified.

3. Claims 1-8 are allowed.

Applicant's arguments filed August 19, 2005 have been fully considered but they are persuasive only in regard to the method claims. In regard to the remarks on the apparatus claim, please note that the rejection and remarks as presented March 25,

Art Unit: 1746

2005 are repeated in this action. In regard to the remarks on the method claims it is old and well known to purchase certain/specific quantities/volumes of produce for a specific payment. For example, Thompson clearly pertains to the dispensing of a soap solution for a monetary payment (col. 8, line 12). In the field of dispensing and other fields as well, it is known to provide dispensers, which accept a payment for a product or a service. Often the amount or quantity being dependent upon the amount of payment, i.e. in coffee vending machines, a small cup would cost a certain monetary payment, and a larger cup, obviously requiring a greater monetary payment. A dime in a parking meter would get one maybe 15 minutes of parking time and 20 cents would get one 30 minutes of parking time; "SUPERSIZE" has the understanding that for an increase in payment, one is able to get a larger portion than the regular size portion at a lower price. Thusly, the concept of making a monetary payment corresponding to a selected quantity of a product or service is clearly knowledge of a person of ordinary skill in the art. In re Antle, 170 USPQ 285, 287 (CCPA 1971) As we also said in Winslow, "Section 103 requires us to presume full knowledge by the inventor of the prior art in the field of his endeavor" (emphasis of "prior" added), but it does not require us to presume full knowledge by the inventor of prior art outside the field of his endeavor, i.e. of "non-analogous" art. In that respect, it only requires us to presume that the inventor would have that ability to select and utilize knowledge from other arts reasonably pertinent to his particular problem which

Art Unit: 1746

would be expected of a man of ordinary skill in the art to which the matter pertains.

It is understood by the examiner that Japan'292 discloses a coin operated washing machine having a dispensing system that, upon a monetary payment to the washing machine, provides the washing machine with detergent, how much, is not describe in the abstract (Japan'292 is currently being translated) however, it is believed to be a measured amount from the bulk container (3), where the machine capable of washing various sized loads, small medium and large (typical). Thusly, Japan'292 currently fails to teach the selected quantity/volume of detergent. In the art, proper washing instructions, as provided by the manufacturer, dictates that corresponding additives be provided based upon the sizes of the load (typical) for their particular washer. It is the opinion of the examiner that given the teaching of Japan'292, where one pays for the use of the use of the washing machine and a quantity of detergent, it would have been obvious to modify the operation of the washing machine to have the detergent dispensed a "selected quantity/volume" as a function of the amount paid since proper operating instruction require a specific amount of detergent based on the load size and one would not expect effective washing if too little detergent is used. Likewise, in Japan'292 it is not believed that the washing machine would empty the bulk container for a single use of the washing machine. And, in the dispensing art, it old and well known to select a dispensed product quantity/volume, i.e. like soap (which is a detergent) as a function of the amount a user selects to make payment for, as taught in the Thompson'621 reference for example.

Art Unit: 1746

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **FRANKIE L. STINSON** whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 1746

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls


FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746